

ENTERED

September 05, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE COBALT INTERNATIONAL
ENERGY, INC. SECURITIES LITIGATION

Lead Case No. 4:14-cv-03428 (NFA)

JOINT PROPOSED DOCKET CONTROL ORDER

I. PLAINTIFFS' PRELIMINARY STATEMENT

Plaintiffs and Defendants conferred and, while Plaintiffs initially proposed a shorter set of dates for the schedule, in the interest of moving forward, have agreed to Defendants' proposals subject to the Court's approval.

Defendants have advised that they anticipate filing a motion to stay discovery in this action pending a ruling on their Rule 23(f) petition to appeal this Court's June 15 class certification Order. Plaintiffs are opposing as meritless Defendants' Rule 23(f) petition and will oppose any motion by Defendants to stay discovery in this action.

II. DEFENDANTS' PRELIMINARY STATEMENT

On June 29, 2017, Defendants filed in the Fifth Circuit a Rule 23(f) Petition for Permission to Appeal the District Court's June 15, 2017 Order Granting Plaintiffs' Motion for Class Certification. The Defendants anticipate filing in this Court a motion to stay further discovery in this action pending a ruling by the Fifth Circuit on the Rule 23(f) Petition and ensuing appeal. Accordingly, this proposed Docket Control Order is being submitted subject to the Defendants' anticipated stay motion.

III. PROPOSED DOCKET CONTROL ORDER

Anticipated Length of Trial: 21 Days

Jury: X Non-Jury:

This Docket Control Order supersedes the prior Docket Control Order (ECF No. 212) for the following, remaining case deadlines. The disposition of this case will be controlled by the following schedule:

1. Fact discovery must be completed. The parties may take up to 30 depositions each, per side, not including experts, without further leave of court. Written discovery and document requests are not timely if they are served at a time where the recipient would not be required under the Federal Rules of Civil Procedure to respond until after this deadline. December 18, 2017
2. Expert reports due for party or parties who bear the burden of proof on issues. January 19, 2018
3. Expert reports due for party or parties who do not bear the burden of proof on issues. February 19, 2018
4. Rebuttal reports by existing experts to reports by party or parties who bear the burden of proof on issues. March 16, 2018
5. Expert discovery cut-off. April 20, 2018
6. Daubert/Summary judgment motions will be filed. May 25, 2018
7. Daubert/Summary judgment oppositions will be filed (parties may file their oppositions on a rolling basis after May 25, 2018). June 22, 2018
8. Daubert/Summary judgment replies will be filed (or four (4) weeks following applicable opposition is filed on a rolling basis). July 20, 2018
9. Joint Pre-Trial Order will be filed (or two (2) weeks following a ruling on all summary judgment motions, whichever is later). Plaintiffs are responsible for timely filing the complete Joint Pre-trial Order. September 10, 2018
10. Mediation/ADR: ☒ Required; ☐ Strongly suggested; ☐ Parties' option. September 24, 2018

Parties to report at the upcoming conference on the status of potential mediation.
11. Docket Call is held in Courtroom 9-F at 2:00 p.m. on the date listed here. Absent parties' agreement, no documents filed within 5 days before the Docket Call will be considered as Docket Call without prior permission of the Court to late file. October 22, 2018

August 24, 2017
Date

Nancy F. Atlas
HON. NANCY F. ATLAS
UNITED STATES DISTRICT JUDGE

APPROVAL REQUESTED:

/s/ Andrew J. Entwistle
Counsel for Plaintiffs

RE

July 7, 2017
Date

/s/ David D. Sterling
Counsel for Cobalt Defendants

DS

July 7, 2017
Date

/s/ Robert A. Van Kirk
Counsel for The Carlyle Group, L.P.

RV

July 7, 2017
Date

/s/ Karl Stern
Counsel for Joseph H. Bryant

July 7, 2017
Date

/s/ Noelle M. Reed
Counsel for Underwriter Defendants

NR

July 7, 2017
Date

/s/ George T. Conway
Counsel for Sponsor Defendants

GC

July 7, 2017
Date